

## PUBLIC HEARING

APRIL 22, 2015

A public hearing of the Council of the County of Kaua'i was called to order by Mason K. Chock, Chair, Planning Committee, on Wednesday, April 22, 2015, at 1:51 p.m., at the Council Chambers, 4396 Rice Street, Suite 201, Historic County Building, Līhu'e, and the presence of the following was noted:

Honorable Mason K. Chock  
Honorable Ross Kagawa  
Honorable Arryl Kaneshiro  
Honorable KipuKai Kuali'i  
Honorable JoAnn A. Yukimura

Excused:           Honorable Gary L. Hooser  
                          Honorable Mel Rapozo

The Clerk read the notice of the public hearing on the following:

“Bill No. 2585 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 14, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND,”

which was passed on first reading and ordered to print by the Council of the County of Kaua'i on March 25, 2015, and published in The Garden Island newspaper on April 7, 2015.

The following communications were received for the record:

1. Blaich, Beryl, dated April 22, 2015
2. Freeman, Margery, dated April 21, 2015
3. Goodwin, Michael, dated April 22, 2015
4. Hong, Lea, (undated)
5. Kashiwaeda, Suzanne, dated April 21, 2015
6. Kawahara, Dawn, dated April 21, 2015
7. Smith, Annick, dated April 21, 2015
8. Peters, Greg, dated April 15, 2015
9. Waxman, Rich, dated April 20, 2015 (11:34 a.m.)
10. Waxman, Rich, dated April 20, 2015 (11:50 a.m.)

Committee Chair Chock:           Do we have anyone signed up to testify?

Ms. Fountain-Tanigawa:           Yes, Committee Chair, we have three (3) registered speakers. The first registered speaker is Rupert Rowe, followed by Tessie Kinnaman.

RUPERT ROWE:                   Good afternoon Councilmembers. I am here to talk about the Open Space revenue. I believe the time has come for us to really look at what is happening on the South Side of Po'ipū. I think the property should be looked at very seriously on the County taking over that Nukumoi parcel, so everybody

can be on the same page and I think it will be a good educational, cultural, and interpretive center – the Nukumoi Surf Shop. I believe there are hurricane debris that is filled on the County side, I believe, illegal grubbing took place in that area, but time has passed. It is just a memory. Right now, the County should be focused on really going after Nukumoi. As a nonprofit group, the doors of that area is open for our economic culture to make this island become known worldwide for this particular area. I believe there are no plans in this area where the County really looked at it, but in my master plan which can be at Kaneioulouma.org, you can see the layout on what we predict to happen. We are on a timeframe on the phases that we went through, so the last part of this phase is to go after Nukumoi with the Open Space money. That is from me, the *po'o*, of Kaneioulouma.

Committee Chair Chock: Mr. Rowe, the item is about limiting the Open Space to one-half of one percent (0.5%), so are you saying you are in favor of this Bill or against it.

Mr. Rowe: I am against taking the cut because the general public, that is their resource to go after a property like Kaneioulouma.

Committee Chair Chock: Okay, thank you. Do you have a question?  
Councilmember Yukimura.

Councilmember Yukimura: Rupert, thank you for being here. We all know that you have this incredible vision, which you have proceeded to implement over the last few years with the help of Randy, the community, and many others, and I really appreciate your leadership. I hear you saying that this should be one of the purchases from the Open Space Fund, and I just wondered if you know approximately what amount would be needed for it.

Mr. Rowe: I think two and a half (2.5) years ago it was appraised at – two and a half million dollars (\$2,500,000).

Councilmember Yukimura: That was two and a half (2.5) years ago, so ballpark, probably three million dollars to five million dollars (\$3,000,000 - \$5,000,000) at this time.

Mr. Rowe: Maybe three million dollars to four million dollars (\$3,000,000 - \$4,000,000).

Councilmember Yukimura: Okay. Thank you very much.

Committee Chair Chock: Thank you. Next speaker please.

Ms. Fountain-Tanigawa: The next speaker is Tessie Kinnaman, followed by Jennifer Luck.

TESSIE KINNAMAN: Good afternoon. I am in full support of this Council to not approve Bill No. 2585...please do not approve this Bill. Let me justify that by saying that when the Fund was down to .5%, it took a long time for that Fund to be built up – it took about six (6) or seven (7) years, or five (5) or six (6) years to even get up to one point five million dollars (\$1,500,000). With the Black Pot purchase in 2010 or 2011, the Fund dropped back down right back to three hundred thousand dollars (\$300,000), it is like we are starting over again. Since the approval

of the one point five percent (1.5%), I think, the Fund has really built up to a nice amount. The Public Access, Open Space & Natural Resources Preservation Fund Commission has recommended a Hoban purchase or condemnation. The landowner wants six hundred and sixty thousand dollars (\$660,000) for a 10x60 strip of land which our drainage is located on. If we do go through condemnation, the appraisal was a hundred and thirteen thousand dollars (\$113,000), so it all depends on which route the County wants to take. This proposal has been on the Mayor's desk for quite a few months now, and I have been waiting since 2005, 2006, 2007 for something like this to happen. I remember attending one of the Open Space Committee Meetings maybe three (3) months ago, and when the Planning Director was talking about budget cuts and this and that. I remember him saying, it blew me away when he said, "Money in the fund, use it or lose it." I do not want to lose this...I mean we have money in there to spend that is the purpose for the Open Space Commission to make recommendations to the Council. I mean, supposedly they sent the recommendation to the Council, I do not know whose desk it is on, but you just need to keep it at that (1.5%) which is better than going back because you can purchase more with a larger percentage because land is not cheap. *Mahalo.*

Committee Chair Chock: Thank you.

Ms. Fountain-Tanigawa: The next speaker is Jennifer Luck.

JENNIFER LUCK: Good afternoon. I am the Kaua'i Island Director of the Hawaiian Island's Lands Trust. I appreciate the opportunity to come before you. The Hawaiian Island's Lands Trust is a nonprofit land conservation organization with more than seventeen thousand (17,000) acres under protection statewide. I am here to testify in opposition to Bill No. 2585, which would reduce the annual percentage of property tax revenue that goes into the Open Space Fund from one and a half percent (1.5%) to the minimum of one-half percent (0.5%) that was when the Fund began in 2004. At that level, it would take four (4) years to amass one million dollars (\$1,000,000). According to a recent article in The Garden Island newspaper, when compared to the same time last year, the median sales price for homes in the Hanalei district, which stretches from Moloa'a to Hā'ena, jumped from five hundred and sixty thousand to one million three hundred and two thousand and five hundred, an estimated hundred and thirty-two percent (132%) hike. With home and land prices increasing each year, reducing the Fund to a half of a percent would make it extremely difficult to accumulate enough money to use the Fund as it was intended. When the public voted overwhelming in favor of increasing the percentage of property tax going into the Open Space Fund, they did so because they realized that in order for the Fund to be viable, to achieve its mission, the County would need to increase the amount going into the Fund each year, so that over time it could accumulate enough money to purchase increasingly expensive lands. Today is Earth Day, and so in closing I would like to share a quote from Gaylord Nelson, the founder of Earth Day, "The most important environmental issue is one that is rarely mentioned, and that is a lack of a conservation method in our culture." I respectfully urge each of you to prioritize conservation to continue to place one and a half percent of property tax revenue in the Fund so that it may amass enough funding to achieve its mission of saving those places most cherished by residents. Those places that are lost forever would change the culture and feel of our island. Thank you.

Ms. Fountain-Tanigawa: The next speaker is Kalanikumai 'O Nā Ali'i Hanohano.

KALANIKUMAI 'O NĀ ALI'I HANO HANO: *Aloha* and good afternoon. Most people know me as Branch Harmony. I just got wind of this two (2) nights ago in an E-mail and I am very concerned. You cannot do this. It is a bad thought. It is a bad thing to do. We have worked so hard to try to get funds for open space. The community for years worked on trying to do this back when Donald Cataluna first became OHA (Office of Hawaiian Affairs) trustee and became the commissioner of the OHA land acquisition board. We talked about the south shore, Maha'ulepu. The money was too much to purchase it, but we got the idea going. There are many projects. I do not want to talk about the individual projects. I want to talk about the audacity of proposing to take away the money that was approved, put in for the future for the descendants to come for open space on our island. I have the dream of the Haupu Ridge preserve, putting Kīpūkai, Maha'ulepu all together into a...like the Nā Pali, an open space of the south shore and the westside. We are dependent upon this. The land is chief to the man. You can tax and reduce what goes to the individual and they can prosper and do it again, you cannot take away from the land. *Mahalo*.

Committee Chair Chock: *Mahalo*. Is that the last of our speakers? Would anyone else like to testify on this item?

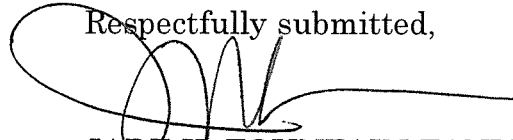
MARGE FREEMAN: I think you have a copy of my testimony. I would like to read it for the record. It is hard to believe that the Mayor is again trying to raid the open space fund. The fund is supposed to set aside one point five percent (1.5%) of taxes to be used to acquire important lands, accesses, coastal areas, and other areas for public use. There is nothing in the original Bill that allows for the money to be used to balance the budget. Even raiding the Fund for one or two years is an assault on the way the original Bill was worded and on the general public. Bill No. 2585 is a travesty and should not be passed. Please stand up for the public and vote no.

MATTHEW BERNABE: I am not going to support Bill No. 2585. I feel that we should increase open space whenever and however we can. For watershed purposes, just recently the Supreme Court ruled on the bottle issue about the County has an obligation for riparian water. This is a perfect way to go in and get from the State and private owners and revitalize our flume and reservoir system. Second, we need real agriculture. If we can increase whatever we can, even if it is to allow students to farm some of these open spaces, something like what they have on O'ahu because farming is something that kids can legally work at that is not in breach of child labor laws. Cultural preservation, enough said, I do not even have to go there, right, whenever we possibly could save a cultural site, it is a bonus. That is better for our tourism industry too because they are coming here for that. Community usages, O'ahu is expensive...you know some of these places are our playground. I do not know what the exact areas are, but we have to remember, we want to gain as much as we can. The ditch land, to me, is the biggest one. If I was going to try to use water for open space, anything out of whatever is in there, I would try to get this ditch lines back on track. As far as I am concern that would be a really good open space project for the island of Kaua'i because it would not cost so much money. We can get water to farmers, if we did that. Erosion, on top of that, Kaua'i is the second fastest eroding spot on the planet. I do not know if you knew that. There is only a small island in the Mediterranean, I believe, that is going faster than us. I do not support this Bill and I think that we should increase the funding...not increase, but we should try to get whatever we can – retain public land. Thank you.

Committee Chair Chock: Would anyone else like to testify? Seeing none, that concludes the public hearing.

There being no further testimony on this matter, the public hearing adjourned at 2:09 p.m.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large loop followed by several vertical strokes and a long horizontal tail.

JADE K. FOUNTAIN-TANIGAWA  
Deputy County Clerk

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